

REGULAR MEETING

December 13, 1999

The Regular Meeting of the Annapolis City Council was held on December 13, 1999 in the Council Chamber. Mayor Johnson called the meeting to order at 7:50 p.m.

Present on Roll Call: Mayor Johnson, Aldermen Hammond, Tolliver, Gilmer, Sachs, McMillan, Carter, Fox, Moyer

Staff Present: City Attorney Goetzke

Alderman Sachs moved to approve the Minutes of November 8, 1999 and November 22, 1999. Seconded. CARRIED on voice vote.

Mayor Johnson proclaimed December 13, 1999 as "Salute to Navy Football Day", "Ben Moore Appreciation Day" and "Eastport Yacht Club Lights Parade Appreciation Day".

PETITIONS, REPORTS AND COMMUNICATIONS

1. Jon Burrell, Executive Director, Local Government Insurance Trust, presented the City of Annapolis with a Safety Grant Award.
2. Ron Bowman gave a slide presentation on the Annapolis Striders.
3. David Mothershed, Jones Communications of Maryland, Inc., gave an information briefing regarding programming changes.
4. Jan Hardesty
15 Burnham Wood Court
Annapolis, MD 21403

Spoke regarding the Circle Design Committee.
5. Leonard Blackshear
31 Old Solomons Island Road
Annapolis, Md. 21401

Spoke regarding R-20-99.
6. Steve Rogers
139 Eastern Avenue
Annapolis, Md. 21403

Spoke regarding various City concerns.

LEGISLATIVE ACTION **ORDINANCES**

- O-12-99 For the purpose of revising and updating the Fire Prevention Code of the City of Annapolis; deleting from the Fire Prevention Code requirements related to the removal of underground tanks (to be transferred to Chapter 17.22); requiring a sprinkler contractors license; providing that certain appeals shall be taken and certain penalties shall be assessed under the State of Maryland Fire Prevention Code rather than this Code; transferring certain authority from the Department of Public Works to the Department of Planning and Zoning; and all matters relating to the Fire Prevention Code.**

Alderman Gilmer moved to adopt O-12-99 on second reading. Seconded.

The Finance and Public Safety Committees reported favorably on O-12-99.

Following discussion, Alderman Fox moved to postpone consideration of O-12-99 to the January 5, 2000 Work Session. Seconded. CARRIED on voice vote.

O-13-99 For the purpose of transferring the position of Harbor Master and its duties to the Department of Central Services; and all matters relating to said Harbor Master.

Alderman Sachs moved to adopt O-13-99 on second reading. Seconded.

Alderman Sachs moved to substitute O-13-99 Revised for O-13-99. Seconded. CARRIED on voice vote.

Alderman McMillan moved to adopt O-13-99 Revised on second reading. Seconded. CARRIED on voice vote.

Alderman Moyer moved to adopt O-13-99 Revised on third reading. Seconded. CARRIED on voice vote.

O-16-99 For the purpose of establishing that certain fees and charges shall be set by resolution of the City Council; deleting certain out-dated provisions that apply to fees that are no longer charged; deleting references in the City Code to certain fees that will be included in a fee schedule resolution; establishing certain new fees and charges; and all matters relating to said fees and charges.

There being no voiced objection, O-16-99 was postponed.

O-17-99 For the purpose of revising and transferring certain duties of the Public Works Department and the Planning and Zoning Department; correcting references to duties of the City Clerk which are currently handled by other directors; revising duties of the Central Services Officer; and all matters relating to said departments.

There being no voiced objection, O-17-99 was postponed.

O-21-99 For the purpose of establishing certain requirements pertaining to petroleum storage facilities; establishing that fees related to such facilities shall be set by resolution; establishing enforcement and appeals procedures related to such facilities; transferring certain authority to the Department of Planning and Zoning; and all matters relating to said petroleum storage facilities.

There being no voiced objection, O-21-99 was postponed.

O-24-99 For the purpose of revising the water and sewer rates for the City of Annapolis; and all matters relating to said water and sewer rates.

There being no voiced objection, O-24-99 was postponed.

O-27-99 For the purpose of establishing that exempt service positions shall accumulate annual leave in the same manner as civil service positions; making a technical correction to the section referenced in Sec. 3.08.040; and all matters relating to said leave.

Alderman Hammond moved to postpone indefinitely O-27-99. Seconded. CARRIED on voice vote.

O-34-99 For the purpose of removing the City Attorney from the Self Insurance Fund Committee; and all matters relating to said Self Insurance Fund Committee.

Alderman Gilmer moved to adopt O-34-99 on second reading. Seconded.

The Rules Committee reported favorably with amendments on O-34-99.

Alderman Hammond moved to amend O-34-99 as follows:

Amendment No. 1:

On Page 1, line 29, add a comma immediately following "committee" and strike "and"; and in line 30, immediately following "designees" add ", and the city attorney, who shall serve as a non-voting, ex officio member".

Seconded. CARRIED on voice vote.

Alderman Sachs moved to adopt O-34-99 as amended on second reading. Seconded. CARRIED on voice vote.

Alderman Sachs moved to adopt O-34-99 as amended on third reading. Seconded. CARRIED on voice vote.

O-36-99 For the purpose of conveying, by deed, a certain portion of a street known as Cove Road in the City of Annapolis, by the City to VYTAR Associates whose property is contiguous to said parcel of ground; providing for the property to be sold at private sale; providing for the conveyance by VYTAR Associates to the City of a certain right-of-way on Primrose Road to the City; and all matters relating to said deeds.

Aldermen Sachs moved to adopt O-36-99 on second reading. Seconded.

The Finance Committee reported favorably on O-36-99.

The main motion CARRIED on voice vote.

Alderman Sachs moved to adopt O-36-99 on third reading. Seconded. CARRIED on voice vote.

Alderman Moyer requested the record reflect her vote in opposition to O-36-99.

O-39-99 For the purpose of clarifying the capital facility impact charge for properties involving annexation in the City; and matters generally relating to said clarification.

Alderman Sachs moved to adopt O-39-99 on second reading. Seconded.

The Environmental Matters Committee reported favorably with amendments on O-39-99.

Alderman Tolliver moved to amend O-39-99 as follows:

Amendment No. 1:

On Page 2, strike lines 14 and 15 in their entirety:

~~"If the annexation petition is not adopted within one year after the date on which it was filed, the user shall pay double the capital facility impact fee set forth in this section."~~

Seconded. CARRIED on voice vote.

The main motion, as amended, CARRIED on voice vote.

Alderman Sachs moved to adopt O-39-99 Amended on third reading. Seconded. CARRIED on voice vote.

O-40-99 For the purpose of authorizing the police chief to shall sell at public auction all lost abandoned, unclaimed, forfeited, or stolen bicycles remaining in the possession of the police department for a period of three months; and all matters relating to said public auction.

Alderman Sachs moved to adopt O-40-99 on second reading. Seconded.

The Rules and City Government Committee reported favorably on O-40-99.

The main motion CARRIED on voice vote.

Alderman Sachs moved to adopt O-40-99 on third reading. Seconded. CARRIED on voice vote.

O-38-99 For the purpose of providing that charges for garbage and refuse collection for dwelling units are not required to be shown on the quarterly water bills of property owners; and matters generally relating to said charges.

Alderman Hammond moved to adopt O-38-99 on first reading. Seconded. CARRIED on voice vote.

Referred to the Housing and Human Welfare Committee.

O-48-99 For the purpose of amending the B1 Convenience Shopping District to permit nonprofit educational, cultural or civic offices; and matters generally relating to said District.

Alderman Hammond moved to adopt O-48-99 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee and the Planning Commission.

O-49-99 For the purpose of authorizing the Second Amendment to Lease, which Lease is dated January 1, 1995 as modified by an Amendment to Lease dated November 13, 1997 with Eastport Seafood Company and Eastport LLC for certain municipal property known as the McNasby's Property, located at 723 Second Street in the City of Annapolis; and all matters relating to said Second Amendment to Lease.

Alderman Hammond moved to adopt O-49-99 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee.

O-50-99 1st R. For the purpose of conveying, by deed, the City's rights, title and interest in the property known as 324 West Street (formerly the Texaco Service Station) and 2 Taylor Avenue in the City of Annapolis, to JBJ Management Company, Inc. ("JBJ"); providing for the property to be sold at private sale; and all matters relating to said deed.

Alderman Sachs moved to adopt O-50-99 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee.

O-51-99 For the purpose of authorizing an amendment to an existing lease of certain municipal property located at the City Dock to Chesapeake Marine Tours, Inc. for a certain period of time, at a certain rental, and under certain terms and conditions, for the purpose of docking and mooring certain boats at the City Dock; and all matters relating to said amendment to lease.

Alderman Sachs moved to adopt O-51-99 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee.

RESOLUTIONS

R-10-98 For the purpose of designating the Taylor/West Gateway Circle as “Unity Circle”, and all matters relating to said designation.

Alderman Carter moved to adopt R-10-98. Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Carter, Moyer

NAYS: Mayor Johnson, Aldermen Hammond, Gilmer, Sachs, Fox

ABSTAIN: Aldermen Tolliver, McMillan

DEFEATED: 2-5-2

R-10-99 For the purpose of designating the Taylor/West Circle as “Westgate Circle”, and all matters relating to said designation.

Alderman Sachs moved to adopt R-10-99 on first reading. Seconded. CARRIED on voice vote.

R-17-99 For the purpose of working with the maritime industry and other related private industries in establishing an annual Maritime Heritage Festival to be held each spring in the City of Annapolis; and all matters relating to said Festival.

Alderman Sachs moved to adopt R-17-99 on first reading. Seconded. CARRIED on voice vote.

R-18-99 For the purpose of authorizing the Finance Director or a designee to invest certain funds of the City through Morgan Stanley Dean Witter; to authorize the investment of certain City funds in certain types of securities; and all matters relating to said funds.

Alderman Sachs moved to adopt R-18-99 on first reading. Seconded. CARRIED on voice vote.

There being no voiced objection, the rules were suspended to allow passage of the resolution at the meeting of its introduction.

Alderman Sachs moved to adopt R-18-99 on second reading. Seconded. CARRIED on voice vote.

R-19-99 For the purpose of expressing the strong opposition of the City of Annapolis to open water dredge spoil dumping in the Chesapeake Bay, particularly at Site 104.

Alderman McMillan moved to adopt R-19-99 on first reading. Seconded. CARRIED on voice vote.

R-20-99 For the purpose of endorsing the continuing support of the Mayor and Aldermen of the City of Annapolis for the Kunta Kinte - Alexander Palmer Haley Memorial at the City Dock and endorsing an additional commitment of the Mayor and Aldermen for the funding of \$50,000 towards the completion of the Memorial.

Alderman Hammond moved to adopt R-20-99 on first reading. Seconded. CARRIED on voice vote.

There being an objection, Alderman Gilmer's motion to suspend the rules to allow passage of the resolution at the meeting of its introduction was DEFEATED.

Alderman McMillan requested the record reflect his objection that funds had not been identified in the budget to support this resolution.

BUSINESS AND MISCELLANEOUS

1. Supplemental Retirement Request - Joan Decenzo

Alderman Sachs moved to approve the supplemental retirement request of Joan Decenzo. Seconded. CARRIED on voice vote.

2. Finance Committee Recommendations for Action dated November 18, 1999

Alderman Sachs moved to approve the Finance Committee Recommendations for Action dated November 18, 1999. Seconded. CARRIED on voice vote.

3. Payment of Monthly Bills

Alderman Sachs moved to pay the monthly bills. Seconded. CARRIED on voice vote.

4. Appointments

Alderman McMillan moved to confirm the Mayor's appointment of the following individuals as set forth in Memoranda dated December 6, 1999:

Housing and Community Development Committee Julia A. Dein
Transportation Board Betty M. Coleman

Seconded. CARRIED on voice vote.

5. Cecil Knighton Facility (161 - 181 West Street)

Alderman Hammond moved to postpone the bulldozers until a process is established to come up with a plan for this property. Seconded.

Alderman Tolliver moved to amend Alderman Hammond's motion as follows:

To delay the demolition until preliminary designs have been approved by the Planning Commission and Historic Preservation Commission.

Seconded. DEFEATED on voice vote.

Alderman McMillan moved to amend Alderman Hammond's motion to postpone the demolition to a date of February 1, 2000.

Seconded. DEFEATED on voice vote.

Alderman McMillan moved to amend Alderman Hammond's motion to postpone demolition until February 28, 2000.

Seconded. CARRIED on voice vote.

The main motion as amended:

To postpone the bulldozers until February 28, 2000 until a process is established to come up with a plan for this property.

CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 10:25 p.m.

**Patricia L. Bembe, CMC/AAE
City Clerk**